

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Alex MASHINSKY et al.

Serial No.: 09/939,917

Filed: August 27, 2001

For: Online Trading and Dynamic Routing of Electric  
Power Among Electric Service Providers

Examiner: Hamilton, Lalita M.  
Group Art: 3691

Mail Stop **Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REPLY BRIEF**

SIR:

This is appellants reply brief in response to the Examiner's Answer mailed April 14, 2009 in accordance with 37 CFR 41.41.

The Examiner's Answer makes new points of arguments within section (10) Response to Argument.

In response to our arguments, the Examiner points to sections of Johnson that allegedly show one control node that receives bids and asks, matches, the bids and asks, and generates a route plan. Appellant does not agree with the Examiner's interpretation of Johnson.

According to the sections of Johnson referenced by the Examiner (and our Brief on Appeal), there are three main entities in the disclosure of Johnson: Moderators, control computers,

and DISCOs. The Moderator collects bid information from providers and sends portions of the information to control computers associated with each end user (or group of end users) (col. 6, lines 24-28; and 52-57). The portions of Johnson cited by the Examiner state that the control computer may be operated by a Moderator, end user, or by a distribution company. Johnson clearly discloses that only the local distribution companies (DISCOs) determine a route (col. 16, lines 49-57 of Johnson). Johnson does not state that there is one control node that performs all of the functions. Rather, Johnson discloses only that the Moderator may perform the function of the control computer, but these entities do not perform the final step of routing that power. The step of routing is performed only by the DISCO. There is no teaching that the routing function is performed by the moderator or the control computer.

Thus, Johnson fails to disclose one control node that receives and matches the bids and asks and also generates route plans for the matched buyers and sellers, as recited in independent claim 1.

For the foregoing reasons, it is respectfully submitted that appellants' claims are not rendered obvious by and are, therefore, patentable over the art of record, and the Examiner's rejections should be reversed.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: June 15, 2009